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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,809	07/20/2004	Jerker Lundgren	ALBIHN W 3.3-454	6597
530 7590 02/17/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 02/17/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,809	Applicant(s) LUNDGREN, JERKER	
	Examiner JESSICA LAUX	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/08/2008 have been fully considered but they are not persuasive.

Applicant's argument that elements 56, 58 of Michlovic do not constitute grooves merely because the reference does not use the term "groove" is not persuasive. It is clear from the drawings that elements 56,58 form a groove shape (regardless of the specific term the prior art used to name the elements) and that said elements also are in engagement with a side edge of the façade for securing the facade in place(as seen in figures 1,3,4,6,7).

It is also noted that organ member 30 of Michlovic does allow for vertical movement of the facade during installation as the final securement is achieved when all the parts are tightly connected and secured. Until such is the case the facade members are capable of varying amounts of vertical movement.

Regarding the connection element 50 of Michlovic, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims pertaining to the connection element present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Applicant merely states that Michlovic does not anticipate the claims but does not clearly point out how the connection element 50 as suggested by the examiner fails to anticipate the claims as presented in the office action.

In response to claims 12-13, Applicant's arguments are not persuasive as Applicant merely states "would likewise not be obvious) without pointing to any supposed errors in the obvious rejection statement. Therefore Applicant's remarks result in a merely allegation of patentability, but do now show how the claims or amendments avoid such references of obvious rationale.

In response to Applicant's assertion that claim 14 is not anticipated by Watanabe, examiner directs applicant's attention below specifically to claims 10,14 where it is clearly explained and elements identified in Watanabe where "said coupling organ (as identified in claim 9) is operatively engaged with said connection unit (21 as explained in claim 10) and moveable with respect thereto".

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Michlovic (4843791).

Claims 9-1-0, 15: Michlovic discloses a glazing system for attaching a facade to a building, comprising:

- a distance element (38) engaged with a frame of a building;
- at least one supporting element (16) attached to said distance element and configured to engage a bottom edge of a portion of said façade, so as to secure the vertical load of said façade when the façade is in place on the building, while allowing vertical movement of the façade during the mounting operation thereof, thereby maintaining said facade in an elevated position;

at least one retaining element (15) attached to said distance element and including a groove (56, 58) configured to grip a side edge of a portion of said facade, thereby preventing movement of said facade in a direction toward or away from a building,

said at least one retaining element attached to said distance element by means of an organ member (30) attached to said at least one retaining element, in a manner permitting vertical movement of the element during mounting of said facade (as noted above), and a coupling organ (36) attached to said organ member and said distance element, whereby said facade may be attached to said at least one retaining element before mounting on said distance element for handling said facade from the inside of a building, and preventing damage thereto; and

further including a cylindrical connection unit (50) attached to said distance element, said at least one supporting element, and said at least one retaining element; and has a first end, a second end, and a side portion, wherein said first end is attached to said distance element, said second end is attached to said at least one supporting element, and said side portion is attached to said at least one retaining element (as seen in figures 4-7).

In response to Applicant's arguments that Watanabe does not allow for vertical movement of the facade examiner disagrees noting (particularly evident in figures 5a-c) that element 3 provides a groove that grips a side edge of the face and when attached at 31 prevents movement of the facade in a direction toward or away from the building and the connection of organ member 31 between elements 2,23 allows the facade to

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have vertical movement during the mounting of with the retaining element as claimed and seen clearly in figures 5 a-c).

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 9-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Watanabe (6289646).

Claim 9: A glazing system for attaching a facade to a building, comprising:

a distance element (2) engaged with a frame of a building (6);

at least one supporting element (22, 222) attached to said distance element and configured to engage a bottom edge of a portion of said facade, so as to secure the vertical, thereby maintaining said facade in an elevated position;

at least one retaining element (3) attached to said distance element and including a groove configured to grip a side edge of a portion of said facade, load of said facade when the facade is in place on the building, while allowing vertical movement of the facade during the mounting operation thereof, thereby preventing movement of said facade in a direction toward or away from a building,

said at least one retaining element attached to said distance element by means of an organ member (31) attached to said at least one retaining element, in a manner permitting vertical movement of the element during mounting of said facade, and a coupling organ (the groove where 31 is inserted) attached to said organ member and said distance element, whereby said facade may be attached to said at least one retaining element before mounting on said distance element for handling said facade from the inside of a building, and preventing damage thereto.

Claim 10: The glazing system of claim 9, including a connection unit (21 and the transverse portion that connects to arms 23, 24 and supporting member 22) attached to said distance element, said at least one supporting element, and said at least one retaining element.

Claim 11: The glazing system of claim 10, further comprising arms, said arms (23, 24) having a first end and a second end, wherein said first end is attached to said connection unit and said second end is attached to said coupling organ, and wherein said connection unit is attached to said distance element, two or more of said at least one supporting elements, and two or more of said at least one retaining elements (as seen in figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (6289646).

Claims 12-13: Watanabe discloses the glazing system of claim 9, wherein said at least one retaining element is substantially U-shaped and has a coupling organ engagement portion (X, see below), a waist portion (Y), and a flange portion (Z), wherein said coupling organ engagement portion contacts a surface of said facade proximate to said coupling organ, said flange portion contacts a surface of said facade

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remote from said coupling organ, and said waist connects said coupling organ engagement portion with said flange portion and is configured to traverse said facade at a side edge thereof (figure 1); and wherein said at least one retaining element is composed of a hard material.

Watanabe does not disclose that said coupling organ engagement portion and said flange portion of said at least one retaining element each taper away from an opposing surface of said facade at a side edge thereof, and said flange portion of said at least one retaining element is biased in a direction toward said facade, thereby defining a void between said facade and said coupling organ engagement and flange portions of said at least one retaining element. However, it is notoriously common and well known to have gripping elements (such as the flange and organ engagement portion) taper thereby defining a void. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the elements of Watanabe to have the taper fit thereby creating a friction fit to provide a more secure connection and a tighter fit.

Claim 14: The glazing system of claim 10, wherein said coupling organ is operatively engaged with said connection unit, and moveable with respect thereto, whereby the position of said coupling organ can be adapted to correspond to a position of said at least one retaining element during installation of said façade (as seen in figure 1).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (6289646) in view of Farag (5355645).

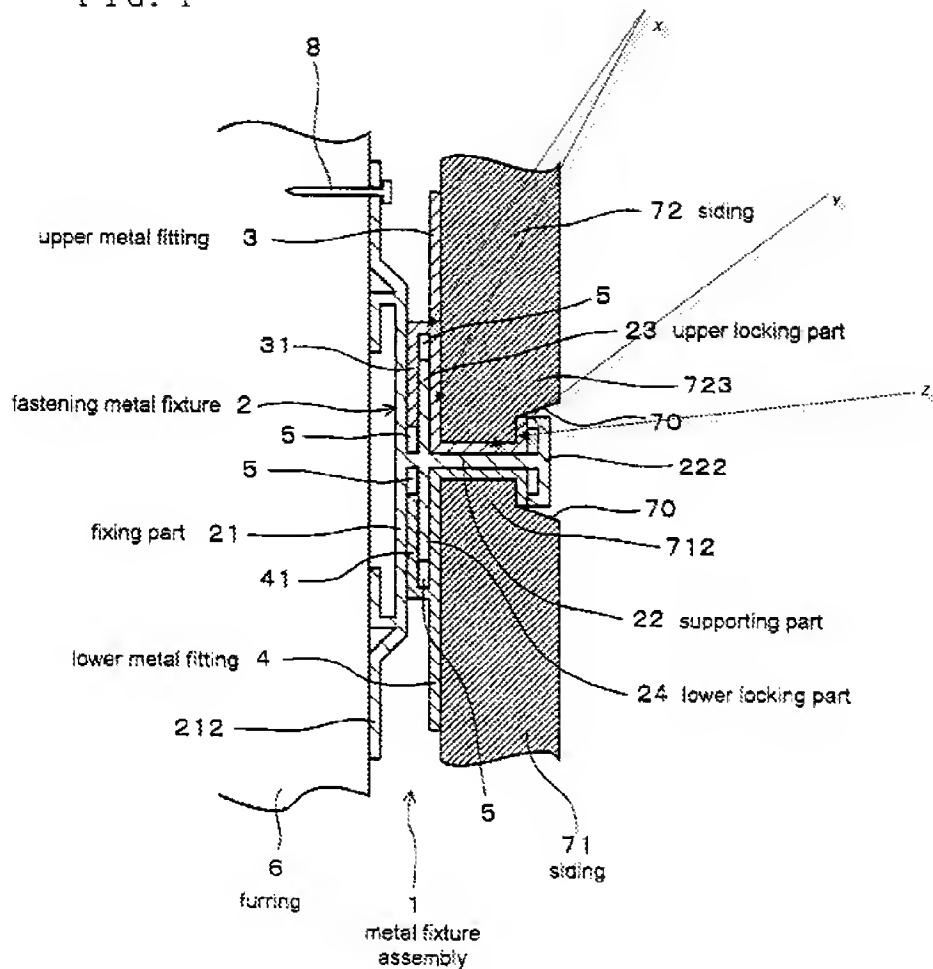
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Claim 16: Watanabe discloses the glazing system of claim 10, but does not disclose that the facade, comprises a panel having an outer sheet, an inner sheet, a framework connecting said outer sheet to said inner sheet and spanning a distance therebetween, and an elastic insert positioned at a bottom edge of said panel.

Farag discloses a panel having an outer sheet, an inner sheet, a framework connecting said outer sheet to said inner sheet and spanning a distance therebetween, and an elastic insert positioned at a bottom edge of said panel (figure 5, Col. 5, lines 57-68; Col. 6, lines 1-11 and 65).

It would have been obvious at the time of the invention to substitute one known facade paneling element for another to enhance the aesthetic appearance and/or create a facade whereby the interior and exterior is visible. Further it has been held that the substitution of one known element for another where the results yielded are predictable would have been obvious.

FIG. 1



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/J. L./
Examiner, Art Unit 3635